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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,466	06/26/2003	Sumedh N. Barde	MSI-1543US	3501
22801	7590	06/25/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
			EXAMINER FRINK, JOHN MOORE	
			ART UNIT 2142	PAPER NUMBER
			NOTIFICATION DATE 06/25/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

## Interview Summary

**Application No.**

10/606,466

**Applicant(s)**

BARDE ET AL.

**Examiner**

John M. Frink

**Art Unit**

2142

All participants (applicant, applicant's representative, PTO personnel):

(1) John M. Frink. (3) \_\_\_\_\_

(2) Kasey Christie. (4) \_\_\_\_\_

Date of Interview: 19 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1, 3 and 4.

Identification of prior art discussed: Nakayama, Chon and Armstrong.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The rejections under Nakayama, Chon, and Armstrong were discussed, including applicability to proposed new claims 44 and 45, which correspond to claims 1 + 3 for 44 and claim 4 for 45. Applicant asked if all claims from elected species 1 were canceled, could claims from species 2 be introduced; after conferring with Andrew Caldwell, Examiner's supervisor, an answer of 'No' was given. No agreement was reached on patentability regarding claims, original or new. Examiner did indicate that Applicant's position was understood..

# DRAFT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Serial No.** ..... 10/606,466  
**Filing Date** ..... Jun 26, 2003  
**First Named Inventor** ..... Sumedh N. Barde  
**Assignee** ..... Microsoft Corporation  
**Group Art Unit** ..... 2142  
**Examiner** ..... John Moore Frink  
**Attorney's Docket No.** ..... MS1-1543US  
**Title** ..... Quick Starting Video Content

**INFORMAL COMMUNICATION IN PREPARATION FOR  
SCHEDULING AN INTERVIEW**

To: Examiner Frink  
Fax: (571) 273-9686

From: Kasey C. Christie  
Lee & Hayes, PLLC  
421 W. Riverside Avenue, Suite 500  
Spokane, WA 99201  
kasey@leehayes.com  
(Tel. 509-324-9256; Fax 509-323-8979)

Dear Examiner Frink:

**[0001]** This communication provides an agenda for a phone interview of this matter. I expect the interview to only take about 15-20 minutes of your time.

**[0002]** My assistant will be contacting you to schedule an interview. If you would prefer to schedule the interview, then please contact my assistant or me directly. Our contact info is on the signature page of this document. Thank you in advance to talking with me about this matter.

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## Interview Agenda:

- Discussion of difference between claims and cited art;
- Discussion of proposed amendments

## Proposed claim amendment

[0003] I would like to discuss this proposed claim amendment. If acceptable, other claims would be amended accordingly.

1. **(Currently Amended)** A processor-readable medium, having processor-executable instructions embodied thereon, that—when executed by a processor—perform a method comprising A processor-readable medium comprising processor-executable instructions configured for:

playing a first video clip;

buffering a second video clip during the playing of the first video clip;

determining whether the buffering of the second video clip is complete;

in response to the determining, if the buffering of the second video clip is not complete as an ending frame of the first video clip is displayed, then continuing to display the ending frame of the first video clip as a static image.

~~receiving a static image from a content provider;~~

~~displaying the static image; and~~

~~buffering video content from the content provider during the displaying.~~

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## The combination of reference

**[0004]** In addition, I would like to discuss new claims (attached hereto), which focus on a feature that you indicate is shown in the combination of Armstrong and Nakayama.

**[0005]** I don't understand from whence you obtain the evidence to support the reasoning to combine the teaching of the references that you provide on p. 5 of the Action (which is "...to ensure the view started to watch the video after a specified period of time so in order to better hold the viewer's interest"). I am confused because you do not cite any source for the evidence supporting the reasoning supplied.

**[0006]** Furthermore, I also don't understand how the supplied reasoning explains why it would have been reasonable for a person of ordinary skill in the art—having common sense at the time of the invention—to have looked at combining the teachings of the internet pop-up video ads of Armstrong with the reliable synch'ing of streaming media with other content (e.g., the display of still images) of Nakayama.

**[0007]** I look forward to talking to you.

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Respectfully Submitted,

Dated: June 12, 2007

By: /kaseychrsitie40559/

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**\*\*\*\* NEW CLAIMS \*\*\*\***

**44. (New)** One or more processor-readable media, having processor-executable instructions embodied thereon, that—when executed by a processor—perform a method comprising:

- receiving a static image from a content provider;
- displaying the static image for, at least, a fixed duration; and
- buffering video content from the content provider during the displaying.

**45. (New)** One or more processor-readable media as recited in claim 44, wherein the displaying further comprises displaying the static image beyond the fixed duration if the buffering is not complete when the fixed duration expires.

**46. (New)** One or more processor-readable media as recited in claim 44, further comprising, if the buffering is complete when the fixed duration expires,

- ceasing the displaying of the static image; and
- playing the video content.

**47. (New)** One or more processor-readable media as recited in claim 44, wherein the receiving comprises:

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implementing a play-list that includes a reference to the static image stored on the content provider; and

requesting the static image from the content provider based on the reference.

**48. (New)** One or more processor-readable media as recited in claim 44, wherein the displaying comprises:

implementing a play-list that includes a duration command; and

displaying the static image for a specified duration defined by the duration command.